

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GERARD FENN,	:	
	:	
Plaintiff,	:	
	:	08 Civ. 2348 (GEL)
- against -	:	
	:	
VERIZON COMMUNICATIONS INC.,	:	ANSWER
CWA LOCAL 1109, and	:	
CWA INTERNATIONAL,	:	
	:	
Defendants.	:	
-----X	:	

Defendants Communications Workers of America, AFL-CIO (“CWA”) and Local 1109 of the Communications Workers of America, AFL-CIO (“Local 1109”), by their attorney, Amy S. Young, Esq., in answer to Plaintiff’s Complaint, respectfully responds:

1. No response is required to paragraph 1 as it states a legal position. Insofar as a response is required, the allegations are denied.

2. Defendants lack information sufficient to form a belief as to the allegations of paragraph 2.

3. Defendants lack information sufficient to form a belief as to the allegations of paragraph 3.

4. Deny each and every allegations contained in paragraph 4, but aver that Local 1109 operates in the State of New York and maintains an office in Kings County, New York; Plaintiff is a member of the bargaining unit represented by Local 1109.

5. Deny each and every allegations contained in paragraph 5, but aver that CWA operates in the State of New York and maintains an office in New York County, New York; Plaintiff is a member of the bargaining unit represented by CWA.

6. No response is required to paragraph 6 as it states a legal position. Insofar as a response is required, the allegations are denied.

7. Deny each and every allegations contained in paragraph 7.

8. Deny each and every allegations contained in paragraph 8.

9. Defendants lack information sufficient to form a belief as to the allegations of paragraph 9.

10. Defendants lack information sufficient to form a belief as to the allegations of paragraph 10.

11. Defendants lack information sufficient to form a belief as to the allegations of paragraph 11.

12. Defendants lack information sufficient to form a belief as to the allegations of paragraph 12.

13. Defendants lack information sufficient to form a belief as to the allegations of paragraph 13.

14. Deny each and every allegations contained in paragraph 14.

15. Deny each and every allegations contained in paragraph 15.

16. Defendants lack information sufficient to form a belief as to the allegations of paragraph 16.

17. Deny each and every allegations contained in paragraph 17.

18. Defendants lack information sufficient to form a belief as to the allegations of paragraph 18.

19. Defendants lack information sufficient to form a belief as to the allegations of paragraph 19.

20. Defendants lack information sufficient to form a belief as to the allegations of paragraph 20.

21. Defendants lack information sufficient to form a belief as to the allegations of paragraph 21.

22. Defendants lack information sufficient to form a belief as to the allegations of paragraph 22.

23. Deny each and every allegations contained in paragraph 23.

24. Defendants lack information sufficient to form a belief as to the allegations of paragraph 24.

25. Defendants lack information sufficient to form a belief as to the allegations of paragraph 25.

26. Defendants lack information sufficient to form a belief as to the allegations of paragraph 26.

27. Defendants lack information sufficient to form a belief as to the allegations of paragraph 27.

28. Deny each and every allegations contained in paragraph 28.

29. Deny each and every allegations contained in paragraph 29.

30. Defendants lack information sufficient to form a belief as to the allegations of paragraph 30.

31. Deny each and every allegations contained in paragraph 31.

32. Defendants lack information sufficient to form a belief as to the allegations of paragraph 32.

33. Deny each and every allegations contained in paragraph 33.

34. Deny each and every allegations contained in paragraph 34.

35. Deny each and every allegations contained in paragraph 35.

36. Deny each and every allegations contained in paragraph 36.

37. Deny each and every allegations contained in paragraph 37.

38. Deny each and every allegations contained in paragraph 38.

39. Deny each and every allegations contained in paragraph 39.

40. Deny each and every allegations contained in paragraph 40.

41. No response is required to paragraph 41 as it states a legal position. Insofar as a response is required, the allegations are denied.

42. Deny each and every allegations contained in paragraph 42.

43. Deny each and every allegations contained in paragraph 43.

44. Deny each and every allegations contained in paragraph 44.

45. Deny each and every allegations contained in paragraph 45.

46. Deny each and every allegations contained in paragraph 46.

47. Deny each and every allegations contained in paragraph 47.

48. No response is required to paragraph 48 as it states a legal position. Insofar as a response is required, the allegations are denied.

49. Deny each and every allegations contained in paragraph 49.

50. Deny each and every allegations contained in paragraph 50.

51. Deny each and every allegations contained in paragraph 51.

52. Deny each and every allegations contained in paragraph 52.

53. Deny each and every allegations contained in paragraph 53.

54. No response is required to paragraph 54 as it states a legal position. Insofar as a response is required, the allegations are denied.

FIRST AFFIRMATIVE DEFENSE

55. Plaintiff's claims are preempted by Section 301 of the Labor Management Relations Act, 29 U.S.C. § 185.

SECOND AFFIRMATIVE DEFENSE

56. Plaintiff's claims are barred by the applicable statutes of limitations.

THIRD AFFIRMATIVE DEFENSE

57. Plaintiff failed to state a claim upon which relief can be granted.

FOURTH AFFIRMATIVE DEFENSE

58. Plaintiff failed to exhaust contractual remedies prior to commencing this action.

FIFTH AFFIRMATIVE DEFENSE

59. Plaintiff failed to exhaust internal union remedies prior to commencing this action.

SIXTH AFFIRMATIVE DEFENSE

60. Plaintiff failed to exhaust administrative remedies prior to commencing this action.

WHEREFORE, defendants CWA and Local 1109 respectfully request entry of judgment (i) dismissing the Complaint in its entirety with prejudice; (ii) awarding defendants CWA and Local 1109 their costs, disbursements, expenses, and attorney's fees; and (iii) granting such other and further relief as the Court may deem just and proper.

Dated: New York, New York
April 10, 2008

Respectfully submitted,

By: _____
Amy S. Young (AY 5547)
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